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Ninth report of the Secretary-General on the United Nations Operation in Burundi

I. Introduction

1. The present report is submitted pursuant to Security Council resolution 1692 (2006) of 30 June 2006, by which the Council extended the mandate of the United Nations Operation in Burundi (ONUB) until 31 December 2006. By resolution 1719 (2006) of 25 October 2006, the Council requested me to establish the United Nations Integrated Office in Burundi (BINUB) following the withdrawal of ONUB, for an initial period of 12 months commencing on 1 January 2007. This report covers major developments in Burundi from 20 October until 28 November, including the status of implementation of the comprehensive ceasefire agreement signed on 7 September by the Government of Burundi and Palipehutu-Forces nationales de liberation (FNL).

II. Major developments on the ground

Implementation of the comprehensive ceasefire agreement

2. The implementation of the comprehensive ceasefire agreement remained stalled during the reporting period. The FNL leadership continued to demand that all FNL prisoners be released and that the Government grant provisional immunity for FNL elements as conditions for their leaders' return to Burundi. In the absence of FNL representatives, the joint verification and monitoring mechanism provided for in the agreement, although launched on 11 October, did not convene.

3. On 3 November, FNL sent a letter to the Chairman of the Regional Peace Initiative for Burundi, President Yoweri Museveni of Uganda, accusing the Government of violating the ceasefire agreement in various ways, including the National Defence Force's continued detention of FNL members and supporters. FNL also stated that the Government was conducting what it termed hostile military manoeuvres in areas where its combatants were located. In a letter addressed to me on 14 November, FNL further blamed the Government for the delay in implementation and accused the South African Facilitation of the Burundi peace process of being biased in favour of the Government.

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4. In late November, the South African Facilitator, Charles Nqakula, visited Bujumbura and Dar-es-Salaam to discuss with the Government and FNL leaders how the stalled peace process could be revitalized. On 27 November, President Pierre Nkurunziza promulgated a law providing provisional immunity to FNL members. During a meeting with the diplomatic corps in Bujumbura on 28 November, the Minister of External Relations and Cooperation, Antoinette Batumubwira, expressed concern at the delay in implementation and called upon Burundi's regional and international partners to urge FNL to engage in good faith in the implementation of the agreement.

5. Meanwhile, as delays in the start of the disarmament, demobilization and reintegration of FNL combatants have continued, criminal activities against the population, reportedly committed by FNL combatants, have increased since late October. Skirmishes between the national security forces and alleged FNL combatants and detentions of FNL elements and supporters have reportedly resumed in the north-western provinces. FNL recruitment, including of youths, has also been reported, particularly in Bubanza and Bujumbura Rural provinces.

6. On 9 November, the Peace and Security Council of the African Union Commission approved the establishment of the African Union (AU) special task force to provide protection to returning FNL leaders as well as combatants, as stipulated in the comprehensive ceasefire agreement. The Council asked the Chairman of the Commission and the Facilitator to take the necessary steps to expedite the deployment of South African troops as part of the special task force, in consultation with the parties to the agreement.

7. Further to the letter addressed to me by the President of the Security Council on 6 November (S/2006/867), the withdrawal schedule of the ONUB military contingents was slightly adjusted in accordance with the requests of the South African Facilitation and the Government. This adjustment was supposed to enable ONUB to carry out, prior to the deployment of the AU special task force, some of the responsibilities later to be assumed by the task force. However, owing to the lack of progress in the implementation of the agreement, it is now unlikely that the ONUB military contingents will be able, before the withdrawal of the Mission, to fill in for the task force, or to undertake the tasks envisaged for them under the agreement.

8. Once deployed, the AU special task force would therefore be expected to assume the responsibilities that were allocated to ONUB under the ceasefire agreement, namely: (a) protection of designated assembly areas for FNL combatants; (b) provision of engineering, logistical and administrative support for the establishment of the assembly areas; (c) disarmament of combatants; (d) storage of weapons collected from the disarmament process and their subsequent destruction; (e) transportation of disarmed FNL combatants from assembly areas to the designated demobilization centre or integration facilities of the National Defence Forces; and (f) protection of the demobilization centres.

9. Consultations are continuing between the United Nations, the South African Facilitation and the African Union to ensure a smooth transition between ONUB and the AU special task force. The South African Facilitation has requested that the ONUB South African battalion not be repatriated at the end of the ONUB mandate, as it will comprise part of the special task force. The United Nations is currently

exploring, with the African Union and the South African Facilitation, follow-on arrangements to ensure a smooth transition.

Political developments

10. During the reporting period, the Government continued efforts towards establishing a more inclusive political dialogue. On 21 November, a second meeting was convened by the Minister of the Interior and Public Security, which was attended by representatives of 24 of the 36 registered parties. Although the ruling party, the Conseil national pour la défense de la démocratie-Forces pour la défense de la démocratie (CNDD-FDD), did not participate, the meeting provided a forum for participants to raise a number of concerns and was well received by party representatives.

11. In late November, the Union pour le progrès national (UPRONA) convened a party congress at which it was decided that UPRONA would remain in the Government, despite opposition from some of the party's leaders. On 29 October, at a Front pour la démocratie au Burundi (FRODEBU) congress, Léonce Ngendakumana was re-elected as the party president. Furthermore, FRODEBU has been participating in the third parliamentary session, which began on 2 October, despite its decision in September to boycott it.

12. Twenty-nine draft laws are on the agenda of the third parliamentary session. They include provisions for the establishment of an anti-corruption court and a legal framework for the National Communication Council, which have been adopted by the National Assembly and are under consideration by the Senate. In the meantime, the Constitutional Court has ruled in favour of a petition filed by 43 Members of Parliament against the controversial adoption on 20 July of legislation creating an "anti-corruption brigade". The Court ruled that the adoption of the bill was unconstitutional owing to the lack of a quorum during the vote.

13. President Nkurunziza and members of his Government carried out several visits to the provinces to assess the overall socio-economic situation and to meet with the population. At a press conference on 10 November, eight ministers described their ministries' workplans and achievements and the challenges faced.

14. Despite these positive developments, the overall political situation remained tense. As at 28 November, the seven individuals, including the former transitional President, Domitien Ndayizeye, and Vice-President, Alphonse-Marie Kadege, arrested in connection with the alleged coup plot, were still in detention. On 26 October, the Supreme Court reversed its own ruling of 6 October ordering the release of the seven detainees before their trials, and their detention was extended until 26 November. On 24 November, the trials of six of the seven detainees commenced, but were adjourned that same day following objections by the defence lawyers over an alleged lack of impartiality on the part of two of the judges.

15. In the meantime, the seven defendants sent a letter to the Supreme Court on 2 November, challenging its decision and pointing out irregularities in the legal procedures followed. On 13 November, ONUB received a copy of a letter dated 22 October from Domitien Ndayizeye addressed to the President of the United Republic of Tanzania, Jakaya Kikwete, in his capacity as Vice-Chairman of the Regional Peace Initiative for Burundi. In the letter, Mr. Ndayizeye stated that he was

innocent of the charges against him, urged the Government to "change course", and appealed for the region and international community's intervention on behalf of the detainees.

16. On 11 November, the former Second Vice-President, Alice Nzomukunda, held a second press conference in Belgium, during which she again denounced the "dictatorial regime" established by the president of CNDD-FDD, urging the people of Burundi to stand up against it.

Relations with the media

17. Relations between the Government and the media deteriorated further during the reporting period, despite efforts to establish dialogue and ease tensions. In October, President Nkurunziza held a meeting with some 50 representatives of the State and private media, during which he announced the Government's support for training activities for the media and stated that further meetings would be held regularly. Media representatives expressed concern over the 9 October presidential decree appointing new heads for all State-owned media, all of whom are CNDD-FDD party members.

18. On 9 November, the First Vice-President, Martin Nduwimana, launched a seminar on the role of the media in peace consolidation. Media representatives requested that the Government maintain a dialogue with the media and provide timely and accurate responses to media enquiries. The Government called on the media to report in a balanced and accurate manner, taking into consideration the need to respect national institutions and their reputation.

19. Reported harassment of journalists by the national security forces continued. On 22 November, two journalists working at a privately owned radio station were arrested, allegedly for making public information regarding the alleged coup plot. Subsequently, the director of the radio station was also detained. The arrests triggered widespread condemnation by journalists' associations, political parties and national and international human rights organizations, who considered them a breach of freedom of expression and in violation of national legislation. In protest, national private media employees staged a two-day work stoppage.

20. Relations between the Government and international non-governmental organizations were also strained. During the reporting period, the Director of the National Office for the Coordination of International Non-Governmental Organizations indicated that 32 out of 95 of the organizations operating in Burundi could be asked to leave the country because they had not complied with the Government's regulations on mandatory reporting on their activities.

Burundi Partners' Forum

21. The Burundi Partners' Forum convened twice during the reporting period, including a special session in which the Government participated, to discuss preparations for the establishment of BINUB and the development of a comprehensive peacebuilding strategy. The Government's preparations for the country-specific meeting on Burundi of the Peacebuilding Commission in New York

in December were discussed. The Government briefed on the preparation of priorities to be submitted to the Peacebuilding Fund.

Peacebuilding Commission

22. Significant progress has been made in the establishment of peacebuilding coordination mechanisms between the Government and the United Nations. On 7 November, the Government created an Inter-Ministerial Peacebuilding Steering Committee, which will work with the United Nations, within the framework of an initial joint mechanism, in preparing the December meeting of the Peacebuilding Commission and the peacebuilding priority plan to be submitted to the Peacebuilding Fund. The inaugural meeting of the Government-United Nations joint mechanism was held on 16 November, followed by several sessions at the policy and working levels. As a result, a common understanding was reached on the steps to be taken by the Government, with United Nations support, to secure resources from the Peacebuilding Fund. Progress was also made in developing the Government's presentation to the December meeting of the Peacebuilding Commission. The mission of the Peacebuilding Support Office to Burundi in mid-November and the meetings it had with the United Nations and the Government's Inter-Ministerial Steering Committee contributed significantly to this process.

III. Security situation

23. The security situation remained tenuous, despite the overall improvement for several weeks immediately following the signing of the comprehensive ceasefire agreement on 7 September. Further delays in the agreement's implementation, in particular the disarmament, demobilization and reintegration of FNL combatants, are likely to lead to more friction between these combatants and the population and the national security services. In addition, there was an increase in localized conflicts involving the small FNL faction led by Jean Bosco Sindayigaya, which did not sign the ceasefire agreement.

24. The incidence of crime, including murder, theft and rape, remained high. The large-scale circulation among the population of small arms and ammunition, including grenades, remained a major security concern. Many of the crimes committed were attributed to uniformed elements, compounding the impact of human rights violations, allegedly involving the national security forces, on the overall security situation.

25. While the maritime unit of ONUB, which operated on Lake Tanganyika, was withdrawn during the reporting period, ONUB and the United Nations Organization Mission in the Democratic Republic of the Congo (MONUC) continued to coordinate closely on cross-border issues, including the illicit movement of arms and personnel. The two missions also maintained close cooperation on humanitarian issues such as the repatriation of combatants and refugees, in coordination with the Office of the United Nations High Commissioner for Refugees (UNHCR) and other United Nations partners. In the meantime, Rwanda and Burundi continued dialogue to resolve their border disputes within the framework of their joint border commission, which convened once during the reporting period.

IV. Progress and challenges to peace consolidation

Disarmament, demobilization and reintegration and security sector reform

26. The national demobilization, reinsertion and reintegration programme continued to make progress. Some 390 FDN personnel, of whom 112 were handicapped, were demobilized during the reporting period. As at 14 November, 21,769 former combatants and soldiers had been demobilized, including 3,015 minors and 494 women.

27. The Executive Secretariat of the National Commission for Demobilization, Reinsertion and Reintegration continued to support the reintegration of former combatants in the context of the national demobilization, reinsertion and reintegration programme. As at 14 November, 18,642 adult former combatants had received cash reinsertion benefits, while 5,412 had received other forms of socio-economic reintegration assistance. Of the 3,015 demobilized children, 599 are currently enrolled in school and 896 are participating in vocational training.

28. On 1 November, three presidential decrees were issued concerning the demobilization, disarmament and reintegration process. The decrees established a mechanism for the verification of combatant status; eligibility criteria for the demobilization, reinsertion and reintegration programme; and criteria and modalities for the attribution of ranks during demobilization, including for FNL combatants.

29. In the meantime, ONUB continued to work with the Government on the destruction of unserviceable weapons and ammunition. During the reporting period, 17,880 rounds of munitions collected during the demobilization, disarmament and reintegration process were destroyed. The joint weapons destruction programme is expected to resume in December, following the delivery of the necessary equipment.

30. The United Nations Development Programme (UNDP) continued to assist the Technical Commission for Civilian Disarmament, including in the development of a national strategy to combat the proliferation of small arms and light weapons. In support of civilian disarmament, UNDP and the United Nations Human Settlements Programme carried out a joint mission in the context of the latter's "Safer Cities" programme. The mission, in collaboration with the municipality of Bujumbura and the Technical Commission for Civilian Disarmament, examined ways in which security in Bujumbura could be enhanced, including through reducing the number of small arms in the capital.

Burundi National Police

31. The Minister of the Interior and Public Security approved a proposal for establishing a more transparent human resource management system for the Burundi National Police, which was jointly prepared by the National Police and the International Centre for Transitional Justice. The Government is seeking funding for this initiative, which is also expected to determine the current strength and assess the capacities of the police force. With regard to bilateral support, Belgium, the Netherlands and France have assigned experts to assist the National Police with

capacity-building, particularly in the design and implementation of training programmes.

32. During the reporting period, ONUB and the National Police completed traffic management training for 30 police officers. ONUB also carried out training sessions for 41 penitentiary officers. In addition, ONUB assisted the National Police in the establishment of a special unit to deal with cases of sexual and gender-based violence. In that connection, specialized training modules and standard operating procedures have been developed. ONUB and the National Police are continuing their collaboration to ensure the early operationalization of this unit.

Human rights issues

33. The absence of major confrontations between the national security forces and FNL, following the signing of the ceasefire agreement, continued to have a positive impact on the human rights situation in the north-western provinces, where FNL had been most active. In Bujumbura Rural, there was a marked decrease in forcible extortion of money from the population by FNL. However there have been increasing reports in Bubanza and Cibitoke provinces of FNL using coercive means to obtain food and other provisions.

34. Impunity continued to prevail and, despite some arrests, the Government has yet to prosecute the national security forces' personnel implicated in serious human rights violations. In some instances, there has been political interference in the judicial process. Senior Government officials reportedly prevented the execution of arrest warrants issued by the prosecutor of the Ngozi court of appeals against the commander of the Fourth Military Region and administrative officials who were implicated in the disappearance and possible summary execution of some 30 individuals in Muyinga province, between July and August. Furthermore, the Attorney General reportedly ordered the prosecutor of the Ngozi appeals court to desist from further action and to hand over the case file. No further action has subsequently been taken on the case.

35. A number of individuals accused of recruiting for FNL were arrested by the national security services on grounds of violating the ceasefire agreement. In contravention of orders given in September, following the signing of the ceasefire agreement, military and police officials also arrested FNL members and combatants. These individuals were generally kept in police detention and did not have access to due process. A group of 11 alleged FNL combatants held in inhumane conditions at a military camp in Ngozi was finally transferred to police custody on 9 November.

36. Between 19 October and 13 November, the bodies of nine unidentified adult men were found in Lake Tanganyika at the mouth of the Rusizi River. Some of the bodies showed signs of bullet or machete wounds, as well as mutilation. ONUB is seeking to verify the information reportedly provided to the police by an alleged witness, to the effect that the nine victims were killed by FNL combatants based in the Democratic Republic of the Congo. The alleged witness claimed that he was also targeted but escaped.

37. Sexual violence continued to be widespread and minors, including very young children, constituted some 60 per cent of reported rape cases. ONUB continued its campaign to ensure assistance to victims and prosecution of offenders. During the

reporting period, ONUB carried out a study on the causes and consequences of rape in Burundian society. The main findings of the study were presented in a workshop held on 27 and 28 November in cooperation with the Ministry of National Solidarity, Human Rights and Gender. The study is expected to contribute to the development of a national action plan for the implementation of resolution 1325 (2000).

38. ONUB also conducted promotional activities throughout Burundi to strengthen national capacity to protect human rights. Beneficiaries included security, judicial and civilian officials, civil society including trade unions and the media, and the general public. ONUB completed a fifth five-day "training of trainers" seminar for FDN officers on the application of human rights and international humanitarian law. A seminar was conducted in each of the five military regions, using officers previously trained by ONUB as trainers.

39. The Independent Expert on the situation of human rights in Burundi, Akich Okola, presented a report to the General Assembly on 2 November following an assessment visit to Burundi in October. The Independent Expert highlighted the threats to freedom of expression and opinion and the tensions between the Government and political parties and civil society. The ineffectiveness of the judicial and administrative systems was also stressed, along with the systematic human rights violations in the country. The Independent Expert nevertheless commended the Government's efforts on health care and education.

Child protection

40. ONUB conducted training for 80 United Nations military observers and 50 national partners on child rights violations during the reporting period. On 19 November, following the intervention of ONUB and the United Nations Children's Fund, 26 minors detained at the former Randa demobilization centre were separated from adult combatants and transferred to another location in preparation for reunification with their families and reintegration into their communities.

41. In accordance with resolution 1612 (2005), a report on children and armed conflict in Burundi (S/2006/851) was issued on 27 October. The report covers the period from August 2005 to September 2006 and provides information on compliance and progress in ending the recruitment into armed groups and other grave violations committed against children in conflict situations.

Transitional justice and justice reform

42. In accordance with agreements reached with the Government, a United Nations technical mission led by the Office of Legal Affairs is expected to visit Burundi shortly to clarify key issues that would govern the establishment of the transitional justice mechanisms. In the meantime, some civil society organizations initiated ad hoc consultations at the provincial level to study the feasibility of large-scale popular consultations on the mechanisms. A consultative group on transitional justice, comprising Burundian and international non-governmental organizations, continued its regular meetings, to which the Office of the United Nations High Commissioner for Human Rights (OHCHR) was invited as an observer.

43. During the reporting period, the national criminal code was revised by a task force of Burundian experts with the support of OHCHR, to bring it into line with international human rights treaties ratified by Burundi. The revised draft code was presented to the Minister of Justice on 2 November and discussed with Members of Parliament, civil society representatives, legal practitioners and diplomatic representatives at a workshop on 16 and 17 November. Important changes proposed include the abolition of the death penalty and the criminalization of torture, as well as new provisions for the protection of women against sexual violence and the protection of children. The draft code also includes provisions regarding the crime of genocide, crimes against humanity and war crimes.

Refugees, asylum-seekers and illegal immigrants

44. Some 11,107 refugees returned to Burundi during the reporting period, with 7,857 returning in October, which was the third highest monthly return of the year. As at 20 November, 38,181 Burundian refugees out of the 50,000 targeted for 2006 had returned.

45. From 22 to 24 November, ONUB hosted the tenth meeting of the Tripartite Commission for the Voluntary Repatriation of Burundian Refugees, comprising Burundi, the United Republic of Tanzania and UNHCR. The Tripartite Commission acknowledged the achievements made in the voluntary repatriation of Burundian refugees living in the United Republic of Tanzania during the promotion phase. It also took note of the ceasefire agreement, which could be conducive to large-scale voluntary repatriation. It agreed to update data regarding the refugees who left Burundi in 1972, and those living outside the UNHCR camps in the United Republic of Tanzania, while encouraging them to use existing facilities for voluntary repatriation. The Commission endorsed the shift from facilitation to the promotion of voluntary repatriation of Burundian refugees in the United Republic of Tanzania, and agreed to examine the factors impeding large-scale voluntary repatriation. The urgent need for donor support for long-term reintegration projects for returning refugees was stressed.

46. The expulsion of Burundian illegal immigrants from the United Republic of Tanzania continued, with some 680 individuals deported during the reporting period. The Government of Burundi is working closely with the United Nations and international non-governmental organizations to register and assist all the deportees, before transporting them to their communities of origin. To date, most deportees have returned to Muyinga province, where a transit reception facility was established. While a significant number of deportees from other provinces have also been registered, there is lack of adequate humanitarian infrastructure to assist them. The issue of Burundian illegal immigrants in the United Republic of Tanzania is also being addressed bilaterally between the two Governments.

47. In the meantime, the voluntary return of Rwandan asylum-seekers in Burundi continued to advance with some 900 repatriated in November. Repatriations are being planned for December for the majority of the remaining 2,500 Rwandans at the Musasa camp in northern Burundi. The rest, who are expected to be granted refugee status by the Government of Burundi, will be transferred to a refugee camp in Rutana province.

Land issues

48. The increased rate of refugee returns has further exacerbated conflicts over land. Most refugees, in particular those who had fled in 1972, are returning in increasing numbers to find their lands now occupied by others. The Government recognizes the gravity of this problem, and on 3 November, Vice-President Nduwimana and provincial governors convened a first meeting with the recently established National Land Commission in Bujumbura. The 23-member Commission outlined its organizational structure including four subcommissions which will be responsible for work related to: (a) carrying out an inventory of public lands; (b) property issues; (c) compensations and reparations; and (d) land conflicts. It was agreed that provincial land committees would be established to work closely with the National Land Commission.

49. From 23 to 25 October, UNDP and other international partners organized a workshop in Makamba province with the provincial authorities which brought together various actors, including members of the National Land Commission, representatives of the refugees who left the country in 1972 and the current occupants of their land, administrative officials, non-governmental organizations and traditional elders. The workshop's main recommendation was for the Government to begin establishing pilot villages where non-agricultural employment opportunities could be created and the necessary vocational training provided.

Humanitarian situation

50. Despite an early start to the rainy season, displacements as a result of food shortages were reported, particularly in the northern provinces. During the reporting period, the Office for the Coordination of Humanitarian Affairs, the Food and Agriculture Organization of the United Nations and the World Food Programme carried out a joint food security assessment in Kirundo and Muyinga, which concluded that the overall food situation remained satisfactory, although small segments of the population continued to face severe food shortages and required direct food assistance.

51. Factors that could have a negative impact on the food security situation over the next two months include the current erratic rainfall patterns and a disease that has affected bananas, which are a staple and cash crop in Burundi. The United Nations and other partners are examining with the relevant national authorities how to fight this disease.

Socio-economic development

52. The World Bank and the International Monetary Fund (IMF) carried out assessment visits to Burundi during the reporting period. IMF determined that Burundi's macroeconomic indicators were generally satisfactory and consistent with earlier predictions, despite some delays in the implementation of ongoing structural reforms. However, concerns were raised by the Government's increasing of civil servants salaries, which might have a negative impact on the next annual budget. IMF suggested that donors increase their budget support contributions for the 2007 budget, while a broader donor support base should be mobilized. Currently, donors

contribute some $73 million in direct budget support. The 2007 budget financing gap remains at $13 million.

53. The World Bank visit provided an opportunity to assess the Bank's ongoing projects in Burundi. During the visit, the Bank held preliminary discussions with the Government on its Country Assistance Strategy for 2008-2010. On 1 November, the Government signed an agreement with an independent international audit firm, which will investigate the circumstances surrounding the recent sale of the presidential plane. That step made it possible for the World Bank on 27 November to release $35 million to the Government as the first tranche of a grant for budget support.

54. With regard to bilateral support, several international partners demonstrated interest in the peace consolidation process in Burundi, and several missions took place during which development partnerships and assistance were agreed upon.

55. At the end of October, the first meeting of the Burundi-Belgium Development Commission took place in Bujumbura, during which a €60 million package for development cooperation for 2007-2009 was adopted, including €12.5 million for agricultural development. The package seeks to reinforce state capacity with an emphasis on good governance and support to social sectors.

56. During the reporting period, there were also pledges for development assistance by the European Union, the Netherlands, the African Development Bank, France and China. The Government and the European Union signed a €3.5 million grant agreement to support and develop the capacity of non-State actors, while the Netherlands and the Government signed a grant agreement to support a three-year €6 million microfinance project. Following the China-Africa summit in Beijing, held in early November, China committed a preliminary sum of ¥30 million in assistance to support education, health and capacity-building initiatives. The African Development Bank granted $10.8 million for the Government's economic reform programme 2006-2008. During his visit to France in November, President Nkurunziza signed a €47 million development agreement to be implemented over five years, including activities in education, democratic governance, political party training and the resettlement of refugees and internally displaced persons.

V. Preparations for the United Nations Integrated Office in Burundi and drawdown of the United Nations Operation in Burundi

57. Following the adoption of resolution 1719 (2006), the United Nations senior management group in Burundi has been working to developing a common understanding of how the United Nations will support the national peace consolidation efforts in a cohesive manner and of practical modalities for enhancing United Nations coordination and integration at programmatic and operational levels. In addition to the United Nations common action plan for 2007-2008, the overall United Nations approach to peace consolidation will be articulated through the reformulation of the United Nations Development Assistance Framework for Burundi, and its extension until the end of 2008. The revised Framework, which is being renamed the United Nations Integrated Peace Consolidation Assistance Framework, will provide an integrated blueprint for operationalizing United Nations

support, in particular the peace consolidation priorities outlined in resolution 1719 (2006), the 2007-2008 United Nations common action plan and the Poverty Reduction Strategy Paper. The Framework will also provide the basis for joint programmes to be implemented within BINUB.

58. To ensure that BINUB is fully operational in January 2007, a number of joint programmes corresponding to the key mandated objectives for BINUB in the areas of governance, security sector reform, disarmament, demobilization and reintegration and human rights are being developed in close coordination with the Framework process. It is expected that these joint programmes, to which United Nations partners such as UNDP and OHCHR are contributing staff and resources, will serve as the main vehicles for achieving core mandated objectives in these areas, particularly in strengthening national capacities to ensure long-term sustainable outcomes. UNDP will contribute $3 million in funding to the security sector reform and justice programmes to be carried out by BINUB.

59. To ensure close technical-level coordination between the United Nations and the Government in the establishment of BINUB, an integrated United Nations peacebuilding task force has been established. The task force serves as the primary technical interface with the Government on peace consolidation issues, and is working with Government technical experts on the development of the peacebuilding priority plan and the definition of appropriate coordination mechanisms between BINUB, the broader United Nations system, the Government and other partners to ensure a comprehensive and focused approach to peacebuilding in Burundi. In parallel, the United Nations will provide technical support to the Government for the donors' round table scheduled for early 2007 to mobilize resources for the implementation of the Poverty Reduction Strategy Paper and strengthen donor coordination.

60. In the meantime, the military drawdown of ONUB has proceeded in accordance with its adjusted withdrawal schedule. As at 28 November, the ONUB military strength in Burundi stood at 1,522 military personnel, including 77 military observers and 51 staff officers. Since my last report, the repatriation of the South African maritime unit has been completed and the withdrawal of the Nepalese infantry battalion is expected to be completed in early December. Meanwhile, the withdrawal of all remaining ONUB military personnel will be completed before the end of December.

61. From an administrative perspective, ONUB has stepped up its planned transition to BINUB while providing logistical and administrative support for the drawdown of its military component. The BINUB transition plan will run in parallel with the liquidation of ONUB up to 30 June 2007, allowing for the sharing of resources.

62. The downsizing and liquidation plans for ONUB have been prepared in advance on the basis of the Mission's exit strategy, which outlines the drawdown of activities, reduction of staff and disposal of assets in a timely, phased and coordinated manner. An asset disposal plan has been prepared and action taken for surplus assets to be transferred to other peacekeeping missions. In the meantime, the United Nations and the Government are consulting on the Government's formal requests for the donation of some ONUB assets to the country, taking into consideration the General Assembly rules and regulations on this matter.

63. It is envisaged that BINUB headquarters will be situated at the location currently used as integrated mission headquarters. The newly established Integrated Office will also maintain three small, primarily human rights offices, in Gitega, Ngozi and Makamba. ONUB's current logistical facilities in Bujumbura will be consolidated to meet BINUB's operational requirements.

VI. Contribution of the United Nations Operation in Burundi to the Burundi peace process

64. With the conclusion of the ONUB mandate, I would like to reflect on the significant contributions which the United Nations and particularly ONUB have made to the Burundi peace process. Deployed in June 2004, in the final phase of the transitional period, ONUB has been instrumental in creating the conditions that allowed Burundi to complete the process started by the 2000 Arusha Peace and Reconciliation Agreement, which ONUB was mandated to support.

65. The main elements of the mandate included: (a) the monitoring and implementation of the various ceasefire agreements, including the conduct of the disarmament, demobilization and reintegration process for combatants and reform of the security sector; (b) the promotion and protection of human rights; (c) monitoring illegal flows of weapons in cooperation with MONUC; (d) contributing to the successful completion of the electoral process; (e) the creation of security conditions for the delivery of humanitarian assistance; and (f) the protection of civilians under imminent threat of physical violence.

66. From the outset, the United Nations played a critical mediation role that led to agreement on the extension of the transitional period, which was to have expired on 31 October 2004, in order to allow the necessary time to prepare, organize and conduct the national elections. ONUB also played an important role in the appointment of an Independent Electoral Commission and the prompt establishment of a provisional electoral calendar. Through the Arusha Agreement's Implementation Monitoring Committee, which was chaired by ONUB, many critical issues of contention among the Burundian parties were resolved, leading to a smooth conclusion of the transitional period and the peaceful transfer of power to the elected Government.

67. The Government and other actors have acknowledged that without extensive political, military, technical and logistical support from ONUB, the referendum and five subsequent elections could not have been successfully conducted between February and September 2005. ONUB also strongly advocated and helped to mobilize women's participation, both as voters and as candidates, in the electoral process including the revision of the Constitution and the electoral laws to include gender concerns.

68. While lending extensive support to the electoral process, the United Nations concurrently played a very active role in supporting the disarmament and demobilization of over 20,000 former combatants and the complex process that led to the creation of an integrated FDN and an integrated national police force.

69. Human rights is another area where the Organization has made a contribution. The presence of ONUB throughout Burundi has provided for a thorough and systematic monitoring of the human rights situation. The wide distribution of

monthly reports in Kirundi, French and English increased public awareness of human rights issues. Through partnerships with national and international human rights actors, ONUB has worked towards the establishment of national institutions to promote respect for human rights. The challenges in this area remain significant, but the work done by ONUB has laid the foundation upon which more efforts will have to be made to ensure the eradication of the culture of impunity, which persists after more than a decade of conflict.

70. Other areas where ONUB has had a significant positive impact include the monitoring of borders and the provision of military escorts, which helped to establish an environment conducive to the provision of humanitarian assistance; logistical support for the return of refugees; and vitally needed police training for the newly integrated National Police. At the community level, ONUB military contingents carried out quick-impact projects involving the construction of hospitals, orphanages and community buildings. Through its public information capacity, ONUB has carried out important sensitization campaigns in support of the electoral and disarmament and demobilization processes and has enhanced public awareness of key governance issues. ONUB also played a vital role in the finalization of the Poverty Reduction Strategy Paper. The close political and operational cooperation between ONUB and MONUC enhanced regional security and ensured a more efficient use of United Nations assets.

71. One of the final contributions of ONUB to the peace process was supporting the negotiations between the Government and FNL, which, under the auspices of the Regional Peace Initiative and the South African Facilitation, led to the signing of the Agreement of Principles towards Lasting Peace, Security and Stability in Burundi in June, as well as the comprehensive ceasefire agreement in September.

72. It should be noted that the first conduct and discipline unit in a United Nations peacekeeping operation was established in ONUB. Consequently, it has served to set the standard for dealing with conduct and discipline matters. From the outset, the Mission's leadership emphasized the imperative of establishing and upholding the highest standards of staff conduct. Eighteen cases of sexual exploitation and abuse were reported and thoroughly investigated during the Mission's mandated period.

73. ONUB could not have successfully completed any of these critical tasks without the support of the people of Burundi. Likewise the Mission, building on the work carried out by the African Mission in Burundi, could not have achieved what it did without the strong political, military and financial support of Burundi's regional and international partners, including the Regional Peace Initiative for Burundi, the South African Facilitation, the African Union and many other international bilateral and multilateral partners.

VII. Observations

74. Despite the progress that has been made during the ONUB mandate, the situation in Burundi is still fragile and major peace consolidation challenges remain. It is regrettable that the positive momentum created by the signing of the comprehensive ceasefire agreement in September has not been maintained; prolonged delays in the agreement's implementation could pose risks for long-term stability in the country. In this regard, the recent steps taken by the Government to address some of the concerns of FNL, including the adoption of the law granting

provisional immunity to FNL members, are welcome. I urge both parties, but in particular FNL, to demonstrate the good will needed to ensure that outstanding issues are resolved and that implementation of the agreement proceeds without delay. In this regard, the tireless efforts of the South African Facilitation in assisting the parties to achieve that goal are most appreciated. I would urge all regional and international stakeholders to continue to support Burundi in completing this final and critical phase in the peace process.

75. In the meantime, the African Union's decision to establish a special task force in Burundi to support the implementation of the agreement is an encouraging development. With the departure of ONUB, at the request of the Government, at the end of 2006, the task force will assume the responsibilities which under the agreement, would have been carried out by the ONUB force, as outlined in paragraph 8 above. I trust that the African Union is taking this fully into consideration in determining the size of the task force and the resources available to it. Subject to General Assembly approval, the Secretariat is prepared to give consideration to the possible provision of some logistical support necessary for making this important task force operational, using for this purpose current ONUB assets. Meanwhile, I urge international partners to provide all possible assistance to the African Union special task force in view of the importance of its duties.

76. While the Government's recent initiative to engage some of the political parties in dialogue is a positive step, I remain very concerned by the very troubling developments over the past several months, which if not rectified by the Government could cause the peace process to unravel. The rising tensions between the Government and the media, as well as the continued allegations of serious and widespread human rights abuses committed by the national security forces, are among the issues of serious concern. The Government needs to address these issues urgently in a comprehensive, determined and unequivocal manner, including through demonstrating its commitment to ensuring an inclusive political environment and guaranteeing basic democratic principles, including the right to free speech.

77. The national authorities also need to ensure respect for legal procedures and international human rights treaties that Burundi has ratified. It is only through full respect for the rule of law and fundamental freedoms that an environment conducive to lasting peace and sustainable development can be created.

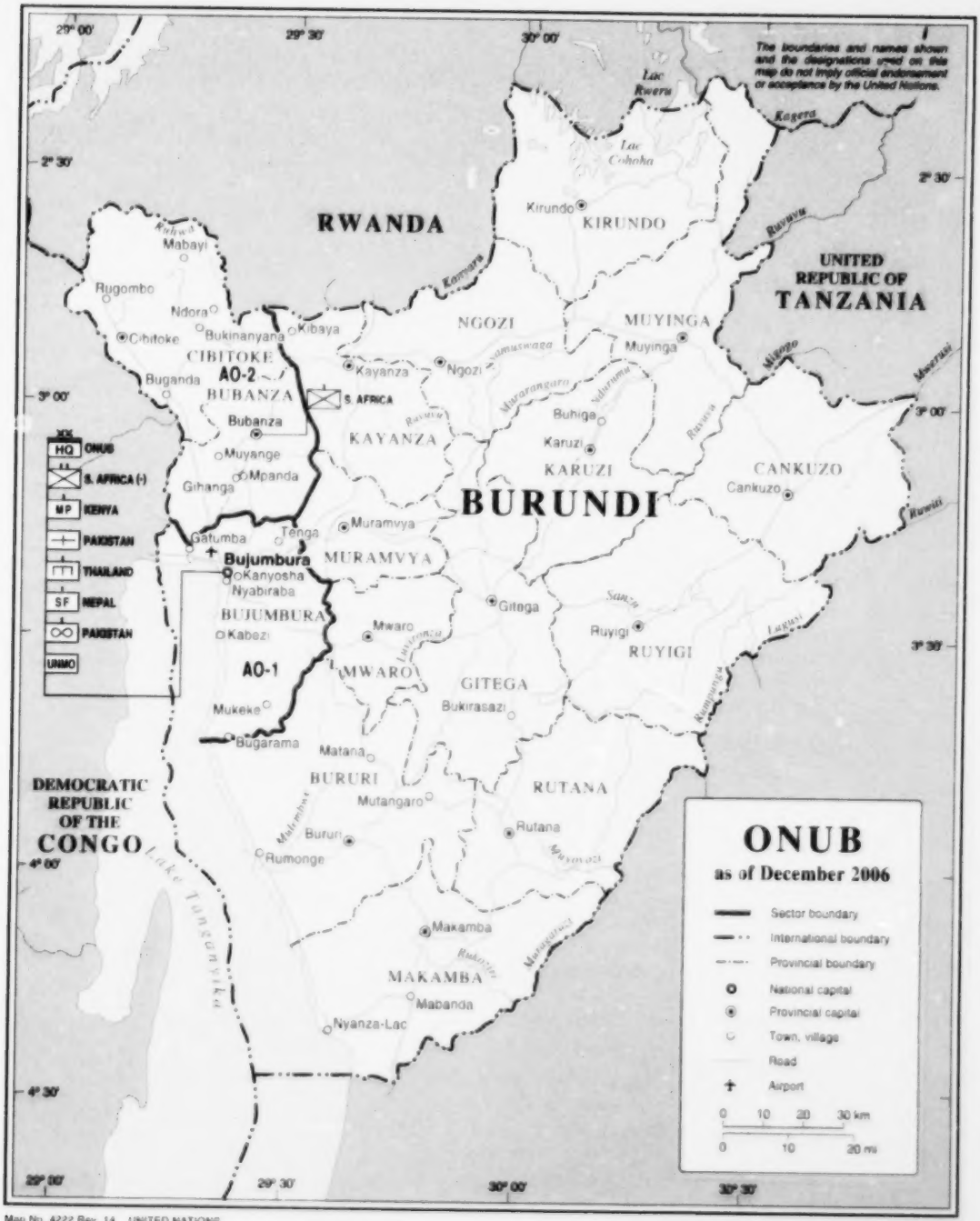
78. While ensuring due process and a fair and transparent trial for those detained in connection with the alleged coup plot, including the former President and Vice-President, the Government should also make every effort to resolve this delicate issue in a genuine spirit of national reconciliation.

79. Despite the Government's economic initiatives and increasing donor support, the challenges of providing basic services to the population and reabsorbing the hundreds of thousands of returning refugees and former combatants remain enormous. International partners are strongly urged to contribute generously towards addressing these and other important tasks indispensable for the consolidation of peace, including through the framework of the donors' round table to be held in early 2007. In turn, and in order to allay any concerns on the part of donors, the Government needs to press ahead, in coordination with its partners, with major reforms to ensure accountable and transparent economic management and

good governance. The Peacebuilding Commission has a critical role to play in that context.

80. Given the daunting challenges still facing the country, and the Government's request that the United Nations peacekeeping presence complete its withdrawal by 31 December 2006, I am pleased that the Security Council concurred with my recommendation for the establishment of BINUB. With the departure of ONUB, the Organization intends to continue to help the people of Burundi to address the root causes and immediate consequences of conflict, develop the capacity to sustain peace and create a propitious environment for economic recovery and development. However, the successful implementation of the BINUB mandate will ultimately depend on the Government and people of Burundi taking the lead in pressing ahead to consolidate Burundi's hard-won but fragile peace.

81. In conclusion, I would like to express my appreciation for the acting Special Representative for Burundi, Nureldin Satti, and all those men and women who have served in ONUB since June 2004, including Carolyn McAskie, my Special Representative for Burundi until March 2006, for their invaluable contributions to the successful implementation of the mandate of ONUB. My appreciation also goes to all troop- and police-contributing countries, United Nations staff, non-governmental organizations and the bilateral and multilateral donors, as well as the Regional Peace Initiative for Burundi and the African Union, for their generous contributions to peace consolidation efforts in Burundi.



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